

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ATLANTIC CASUALTY INSURANCE CO.,)
Plaintiff,)
)
)
v.)
)
RED BRICK COURTYARD, LLC,)
SELIM LAHOUD, and GERARD SAULNIER,)
Defendants.)
)

**CIVIL ACTION
NO. 13-12528-DHH**

ORDER

March 31, 2015

Hennessy, M.J.

On October 8, 2013, Atlantic Casualty Insurance Company (“Atlantic”) filed a declaratory judgment action against defendants Red Brick Courtyard, LLC (“Red Brick”), Selim Lahoud, and Gerard Saulnier to determine Atlantic’s rights and obligations under a policy of liability insurance issued to Red Brick. (Docket #1). The underlying dispute giving rise to the claim for liability insurance is a bodily injury lawsuit filed by Saulnier against Red Brick and Lahoud in Worcester Superior Court that is currently stayed due to Red Brick’s bankruptcy. (Dockets #1, 8). (*Id.*). On March 5, 2014, there being no return to the Court of proof of service of the summons and complaint as required by Local Rule 4.1(b) and Federal Rule of Civil Procedure 4(m), this Court issued an order stating that the action would be dismissed without prejudice within twenty-one days unless a proof of service was filed in the interim or good cause was shown as to why service had not been made. (Docket #6). On March 25, 2014, Atlantic filed a status report stating that it had been unable to complete service on the defendants because

Red Brick was the subject of a pending bankruptcy proceeding and all defendants had declined to accept service or were not sufficiently operational to do so. (Docket #8). In the status report, Atlantic requested that the Court stay the present action. (Id.).

The Court stayed the present action, requiring that Atlantic effect service on the defendants within thirty days of Red Brick's discharge from bankruptcy. (Docket #9). The Court further ordered Atlantic to file a status report with this Court on January 2, 2015 on the status of the Red Brick bankruptcy proceedings if Red Brick had yet to be discharged from bankruptcy. (Id.). On February 17, 2015, the Court entered an order requiring Atlantic to file a status report on the status of Red Brick bankruptcy proceedings with the Court by February 27, 2015, as it had yet to do so. (Docket #10). On February 25, 2015, Atlantic filed a status report indicating that the underlying dispute in Worcester Superior Court was dismissed on November 7, 2014. (Docket #11). Atlantic did not describe the current status of Red Brick bankruptcy proceedings. (Id.). However, Atlantic stated that it would file a Notice of Voluntary Dismissal (without prejudice) on or after March 17, 2015. (Id. at 2). Atlantic has yet to file such a notice. Atlantic is hereby **ORDERED** to either file a notice of voluntary dismissal or a status report on the status of Red Brick bankruptcy proceedings by April 15, 2015. Failure to do so will result in a lifting of the stay.

/S/ David H. Hennessy
David H. Hennessy
UNITED STATES MAGISTRATE JUDGE